

Matter of: Owens Academy of Korean Martial Arts And Self Defense

File: B-255066

Date: September 30, 1993

Robert Owens for the protester.

DIGEST

General Accounting Office (GAO) is without jurisdiction to consider a protest of a procurement conducted by a Department of Defense nonappropriated fund activity because that office is not a federal agency over which GAO has statutory bid protest authority.

DECISION

Owens Academy of Korean Martial Arts and Self Defense protests the award of contract No. NAFRE1-94-T-0004, issued by a Department of Defense nonappropriated fund activity.

We dismiss the protest because we have no jurisdiction over procurements issued by a Department of Defense nonappropriated fund activity since it is not a federal agency.

Our bid protest jurisdiction is limited to procurements of federal agencies. 31 U.S.C. § 3551 (1988); 4 C.F.R. § 21.1(a). A federal agency is:

"any executive department or independent establishment in the executive branch, including any wholly owned government corporation, and any establishment in the legislative or judicial branch, except the Senate, the House of Representatives and the Architect of the Capitol and any activities under his direction." 4 C.F.R. § 21.0(c)

A nonappropriated fund activity of the government is not a federal agency as that term is used in the law authorizing our bid protest review role. 4 C.F.R. § 21.3(m) (8). Since the entity here is not a federal agency, we are without jurisdiction to consider the protest. Centex Constr. Co., Inc., Mar. 7, 1990, 90-1 CPD ¶ 256.

The protest is dismissed.

Ronald Berger
Associate General Counsel